

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Richard T. Sonberg,)	C.A. No. 9:04-1535-PMD
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
)	
John D. Ahrens, d/b/a Outlaw)	
Dredging Co.,)	
)	
Defendant.)	
)	

This matter is before the court upon the magistrate judge's recommendation that plaintiff's motion for entry of default judgment on the First Amended Complaint be granted. Because plaintiff is pro se, this matter was referred to the magistrate judge.¹

This Court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). No objections have been filed to the magistrate judge's report.

A review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. For the reasons articulated by the magistrate judge, it is **ordered** that plaintiff's motion for entry of default judgment on the First Amended Complaint is **granted**.

IT IS FURTHER ORDERED that:

¹Pursuant to the provisions of Title 28 United States Code, § 636(b)(1)(B), and Local Rule 73.02(B)(2)(C), D.S.C., the magistrate judge is authorized to review all pretrial matters in cases filed under Title 42 United States Code, § 1983, and submit findings and recommendations to this Court.

1. Plaintiff is awarded a monetary judgment against defendant in the amount of \$263,000.00 for actual damages arising out of defendant's fraudulent sale of the Dredge to the City of Cape Coral;

2. Plaintiff is awarded a monetary judgment against defendant in the amount of \$75,000.00 in punitive damages due to defendant's fraudulent sale of the Dredge to the City of Cape Coral;

3. Defendant is ordered to immediately redeliver and return the Floating Booster Pump to plaintiff at Hilton Head Island, South Carolina, forthwith, at the cost, expense, and risk of defendant as previously ordered by the Court;

4. Plaintiff is entitled to entry of additional relief against defendant in the nature of an Order of Judgment for Replevin and repossession of the Floating Booster Pump, pursuant to South Carolina Code Ann. § 15-69-210, and Rule 64 of the Federal Rules of Civil Procedure;

5. If defendant is unable to return the Floating Booster Pump to plaintiff in good operating condition, then plaintiff is entitled to a monetary judgment against defendant for actual damages in the amount of \$80,000.00;

6. Plaintiff is awarded a monetary judgment against defendant in punitive damages in the amount of \$25,000.00 for defendant's fraudulent conduct in concealing and attempting to sell the Floating Booster Pump; and

7. If plaintiff is unable to obtain possession of the Floating Booster Pump in good working condition within fourteen (14) days after service of this Order upon defendant, then plaintiff is permitted, upon written motion, to request an additional hearing to determine whether additional monetary damages should be assessed against defendant for failure to return the Floating Booster Pump, and to determine if an Order of Contempt of

Court should be issues against defendant for willful violation of the Court's orders to return the Floating Booster Pump.

ORDERED, that the magistrate judge's report and recommendation is adopted as the order of this Court.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

Charleston, South Carolina

November 9, 2005